

**Town of Foxborough
Conservation Commission Minutes
August 17, 2009**

Members present: Bob Boette, Chairman, Al Curtis, Doug Davis, Judi Johnson

Members absent: Harold Blomberg, Bernie Marshall, Val Bataille-Ferry

Also present: Bill Hocking, temporary Conservation Manager

7:00 p.m. Meeting opens - Bob B. opened the meeting which was held in the Town Hall meeting room, 40 South Street.

7:05 p.m. Hearing Abbreviated Notice of Resource Area Delineation 1000 Washington Street DEP File #SE 157-? – Bob B. read the legal notice. The purpose of the hearing is for confirmation of wetland lines to delineate resource areas located at 1000 Washington Street.

Bill Buckley, Bay Colony Group and Briscoe Lang, PARE Engineering were present to represent the applicant Alan Antokal, Alan-Lawrence Realty Trust also present. Bill B. explained the location and the history of the property. He explained that the wetlands were flagged by Karl Drown 17 years ago. Briscoe said he located the resource areas and prepared the report. He explained that there are 2 bordering vegetated wetlands; one on the southern side and one on the eastern side. He said that he relocated some of the flags that remained from the old flagging. He said that the flagging is a composite of the old line and the new line. He said the two BVW appear to connect and he also located a perennial stream.

Bill H. said he walked the site and said that some of the flags should be moved as written in his report dated August 12, 2009. Briscoe, Bill H. and Bob B. agreed to meet at the site Tuesday, August 18, 2009 at 8:30 a.m. to look at the flags. Briscoe said that he would put the changes that were agreed to at the site walk on a new plan.

The DEP File number was not received. This hearing will be continued on September 14, 2009 at 7:05 p.m.

Bill B. said he would like to informally show the Commission what they plan to build on the property. Bill B. showed the plan and explained that they would like to build a stand alone warehouse. This would involve a 5,000 square foot alteration of the BVW if allowed. Bill B. said that the wetland area that they are proposing to alter was created by fill. The Commission discussed where the replication area could be. Bill H. and Bob B. will look for an area when they walk the site tomorrow with Briscoe.

7:15 p.m. Hearing Notice of Intent 16 Old Colony Road DEP File #SE 157-? – Bob B. read the legal notice. The purpose of the hearing is to construct a single family house, garage and septic system.

Ryan Sheehan, Sheehan Construction, owner was present. Ryan showed the plan and explained that he is proposing to build a single family house outside of the 100 foot buffer zone. The proposed deck and associated grading is within 100 feet of the wetlands.

Bill H. said he walked the site and said that every flag looked fine. Bill H. said that there is a vernal pool near the property line of Robert Roche and Victoria Vanderberg. Ryan said that there would be no retaining wall because there is a natural slope and he would like to keep it natural. He said he will not be changing the elevation. He will place a siltation fence. He said he will keep as many of the mature pines as possible. He said that he would only be taking the trees down that are in danger of falling on the house. The Commission told him that any other cutting, after this filing, he would have to come back before the board.

Bob Roche, 226 Main Street was present and questioned the trees they are proposing to cut. Ryan said that he would not cut beyond the 280 foot contour line.

The DEP file number was not received. **Motion** by Al Curtis was made to close the hearing pending receipt of the DEP file number. Seconded by Doug Davis. **Vote: 4:0:0.**

7:30 p.m. Hearing Determination of Applicability – 7 Korean Veterans Way – Bob B. read the legal notice. The purpose of the hearing is for the removal of trees at 7 Korean Veterans Road.

Bill Luciano, 7 Korean Veterans Road was present to show the plan. He explained that he had cut down trees to extend his lawn and a neighbor complained and he stopped. He said he is not planning on taking the stumps out. He intends to cut them to ground level. Bill H. said he looked at the site and there is no activity within the 25 foot area. The Commission would like him to call the office if he takes the stumps out. **Motion** by Doug Davis was made that the area shown on the plan is subject to the Act but the proposed work is not dredging, filling, removing, or altering and therefore a Notice of Intent is not required. Seconded by Al Curtis. **Vote: 4:0:0.**

7:45 p.m. Hearing Determination of Applicability – 48 Granite Street – Bob B. read the legal notice. The purpose of the hearing is to install a new septic system at 48 Granite Street.

Bill Gottwald was present to represent the applicant Eleanor Woodason. The Commission did not receive any plans prior to this meeting. Bill G. gave the Commission the plan that he said was just finished. Bill G. said that the septic system will be outside of the buffer zone. They are proposing to put the septic system underneath the driveway.

Motion by Doug Davis was made that the area shown on the plan is subject to the Act but the proposed work is not dredging, filling, removing, or altering and therefore a Notice of Intent is not required. Seconded by Al Curtis. **Vote: 4:0:0.**

Certificate of Compliance – SE #157-384 – 29 Providence Highway - **Motion** by Doug Davis was made to issue a Certificate of Compliance for DEP File #SE 157-384. Seconded by Al Curtis. **Vote: 4:0:0.**

Planning Board Referral – 16 Washington Street – The Commission looked at the plan. The Wetlands Protection Act does not apply.

204 East Street – DEP Cease & Desist – The conservation office received a copy of a letter from Tena Davies, DEP dated August 12, 2009 addressed to Scott and Elaine Barbato regarding Wetlands Unilateral Administrative Order, UAO-SE-09-6W004 and an Enforcement Order for 204 East Street. The enforcement order stated “excavation and grading work within Riverfront Area and the buffer zone to Bordering Vegetated Wetland. Filling of Bordering Vegetated Wetland.”

2 Alex Lane – Cease & Desist – Bill H. read the letter he sent to Dr. Mufti dated August 13, 2009 regarding the removal of loam from easement. Bill H. said he was at the site today and showed the pictures that he took. Dr. Mufti called the conservation office today and said that work would begin today. Bill H. will check the site this week.

Fishing Cocasset River Park – The conservation office received an email saying that the cub scouts had a great time fishing at Cocasset River Park on August 15, 2009.

Annual Neponset Reservoir Drawdown – The annual drawdown will take place this year. Next year there can be a drawdown any time after the middle of July through September 1st.

Blueberry Island – Kids were arrested Friday, August 14, 2009 for underage drinking on the island. The Commission would like Bill H. to write a letter to Chief O’Leary to recommend that the underage drinkers be charged with cleaning all rubbish from the island on a regular basis starting with the removal of the pallets on the island. They should also be required to plant some trees. Bill H. said he visited the island today and removed a 30 gallon bag filled with trash. Bill H. showed the pictures he took of the island.

Accept Minutes –Motion by Doug Davis was made to accept the minutes of August 10, 2009 as distributed. Seconded by Al Curtis. **Vote: 4:0:0. Motion** by Doug Davis was made to accept the executive session minutes of August 10, 2009 as distributed. Seconded by Al Curtis. **Vote: 4:0:0.**

8:45 p.m. Motion by Doug Davis was made to adjourn. Seconded by Al Curtis. **Vote: 4:0:0.**